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September 18, 2024

VIA ELECTRONIC MAIL

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Magistrate Judge Victoria Reznik
United States District Court
Southern District of New York
300 Quarropas Street, Courtroom 420
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management, Ltd., et al.*
Civil Action No: 7:13-cv-09239-CS

Dear Judge Reznik:

This correspondence is written in accordance with the Court's Order of September 5, 2024 (Doc. No. 384). The Court directed that the Parties submit a letter setting forth the proposed deadline for the Defendants to serve an Omnibus Motion; a Supplemental Memorandum of Law for the individual moving Defendants; and the proposed page limitation for the briefs. The three threshold motion topics, as set forth in the Order are: (1) whether there is a lack of personal jurisdiction over certain Defendants; (2) whether Plaintiff's claims are barred by the doctrine of extraterritoriality; and (3) whether Plaintiff's claims are barred by the statute of limitations.

As a preliminary matter and based on the interests of each individual Defendant, a specific determination as to whether each of the individual undersigned Defendants will elect to proceed with the early threshold motion practice has not been made. In consideration of this issue and as set forth in the Court's Order, the case will continue to be stayed for all Defendants except for the threshold motion procedure for those parties that elect to participate in that early motion practice, and the Defendants do not waive their respective rights to assert any claims or defenses later in the normal course of the case. Based on all of these considerations, the Plaintiff and Defendants jointly propose that the Omnibus Motion and the individual Defendant supplemental memorandum of law be served by November 15, 2024. The Defendants propose that the Omnibus Motion be limited to 30 pages. Each individual Defendant that elects to join in the Omnibus Motion shall be permitted to file a Supplemental Memorandum of no more than five pages per issue per Defendant (for a maximum of 15 pages for a Defendant that joins in all of three issues) plus any supporting



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affidavit which a Defendant may deem appropriate to include along with its Supplemental Memorandum.

The Plaintiff and Defendants thank the Court for its consideration of these matters.

Sincerely,

Counsel for the following Defendants:

1. General Hotel Management, Ltd.
2. American Express Company
3. British Airways
4. Citibank
5. Travix Travel USA
6. About, Inc. d/b/a About.com
7. Alliance Reservation Network d/b/a Reservetravel.com
8. Bookit.com, Inc.
9. Expedia, Inc. d/b/a Expedia.com
10. Fareportal, Inc. d/b/a Cheapoair.com
11. Farebuzz d/b/a Farebuzz.com
12. Frommer Media d/b/a Frommers.com
13. Getaroom.com d/b/a Getaroom.com
14. Hotels.com GP LLC d/b/a Hotels.com d/b/a Travelnow.com
15. Hotelsbyme d/b/a Hotelsbyme.com
16. Lexyl Travel Technologies d/b/a Hotelplanner.com
17. Esteban Oliverez d/b/a Insanelycheapflights.com
18. JetBlue Airways Corporation d/b/a JetBlue.com
19. Kayak Software Corporation d/b/a Kayak.com
20. Lonely Planet Global, Inc. d/b/a Lonelyplanet.com
21. Metro Travel Guide d/b/a Metrotravelguide.com
22. Netadvantage.com d/b/a IHSadvantage.com
23. Reservation Counter d/b/a Reservationcounter.com
24. Pegasus Solutions, Inc.



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25. Random House d/b/a Fodors.com
26. This Exit, LLC d/b/a Roadside merica.com
27. Travelocity.com d/b/a Travelocity.com
28. Tripadvisor, LLC d/b/a Tripadvisor.com
29. United Airlines, Inc. d/b/a
Hotels.United.com
30. Gogobot, Inc. d/b/a gogobot.com
31. Qantas Airways Ltd.
32. WK Travel, Inc.
33. AOL, Inc.
34. Travelzoo, Inc.
35. Charles Kessler Associates, Inc.
36. United Airlines, Inc. Successor-In-Interest to
Continental Airlines, Inc.
37. Swiss International Air Lines, LTD
38. Virgin America, Inc.
39. Virgin Vacations, Inc.
40. Virgin Atlantic Airways Limited
41. VFM Leonardo, Inc.
42. Priceline.com LLC
43. Hotels Combined LLC
44. AGIP LLC
45. Agoda Company Pte Ltd.
46. Booking Holdings, Inc.
47. Booking.com (USA) Inc.
48. Booking.com B.V.
49. Momondo A/S
50. Rocket Travel, Inc.
51. Southwest Airlines Co.
52. Cathay Pacific
53. Signature Travel Cooperative, Inc.
54. FROSH International Travel, Inc.
55. Tzell Travel, LLC
56. trivago N.V.
57. American Airlines
58. Emerging Travel, Inc.
59. Despegar.com USA, Inc.
60. Despegar.com Corp.
61. Tablet Inc. d/b/a TABLETHOTELS.COM
62. Joseph Mazarella d/b/a Room rate.com
63. Qatar Airways



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64. Air Canada
65. Trip.com Group Limited
66. Trip.com Travel Singapore Pte. Ltd.
67. Skyscanner Ltd.
68. MakeMyTrip India Pvt. Ltd.
69. MakeMyTrip, Inc.

HRH:jar

The Omnibus Motion and any individual Defendant supplemental memorandum of law shall be served (not filed) by **November 15, 2024**.

The Omnibus Motion shall be limited to **30 pages**.

Although the Court appreciates that individual Defendants have not yet determined whether to proceed with early motion practice, the Court cannot agree to Defendants' proposed page limits for the Supplemental Memorandum without a reasonable estimate of how many Defendants intend to submit one. If the Court assumes that all 69 Defendants listed in the signature block of this letter intend to file a Supplemental Memorandum, for example, this could amount to over 1,000 pages of briefing.

Thus, by no later than **Monday, October 7, 2024**, Defendants (individually or jointly) are directed to submit a letter to the Court stating whether they intend to serve a Supplemental Memorandum. Efforts to submit joint Supplemental Memorandum are encouraged, and any groups of Defendants who intend to do so should make that clear in their letters. If any Defendant cannot commit to a decision by October 7, they must submit a letter by that date saying so. For any such Defendant, the Court will assume they do intend to file a Supplemental Memorandum and will determine page limits accordingly.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Victoria Reznik", written over a horizontal line.

Hon. Victoria Reznik, U.S.M.J.

Dated: 9/23/2024